

# To the Ld. Mayor & other Justices & Aldermen of the CITY of L O N D O N.

*The Case of the Prisoners, commonly called QUAKERS in the said City, Humbly Presented:*

We the said Prisoners, who have nothing but Love and Good will, Sincere and Due Respects towards you all, both as Men and Civil Magistrates, do Heartily wish your Health and Prosperity in Justice and Truth.

**T**HE Matters which we would humbly present to your Considerations, are chiefly concerning the Charge of Religious Assemblies, in late Indictments rendered against later Routs & Unlawful Assemblies, with Force & Arms Imprisonment till payment; together with a Jury to find Sureties for the Good Behaviour. This course we really conceive the measure we have thereby is not only hard, but also unjust, and we therefore hope you will give the Loofers and Sufferers leave to depart without offence.

We pray you seriously consider, whether the Charge of Routs, &c. can be rationally laid upon our said peaceable Assemblies, or they justly punishable as Persons Routous, &c. and we thereupon to be thus closely confined and fined, as Persons Routous, &c. On the legal definition of Routs, as given by allowed Authorities. "As an Unlawful Assembly in Common Law, is, of the Company of three or more Persons, disorderly coming together, with Intention

forceably to commit an unlawful Act; as to beat a Man, or to enter upon his Possession, cut or destroy his Corn or Grass, or such like. So a Rout is when such Assembly doth, going or riding forward, to commit by force such unlawful Act, to the injury of the Person or Possession of another. And then a Riot is when they do execute the same, using threatening words, furious gestures, and other Force and Armes, to the terror of the people, wherein there is some apparent disturbance of the publick Peace, either by signification of Speech, shew of Armour, turbulent Gesture, or actual and expresse Violence, &c. In which definition, both W. Lambard in his Eirenarchia, the Lord Cook in his Institutes 3d. pt. and Mich. Dalton in his Justice of Peace, under those titles of Riots, Routs, Branch of the Peace, and Unlawful Assemblies, &c. with many other Authorities do agree.

Pray observe in case of a Rout; Suppose a Company of Rude Persons met to contrive some Mischief or Injury against the Persons, Goods or Possessions of their Neighbours, and moving forward with Clubs or any offensive Weapons, to commit the Riot designed, and these should be apprehended in their Motion, before the Act be committed, and then Indicted for a Rout & Unlawful Assembly, &c. the Question is, Whether the Indictment framed against these, be not in the same manner and form, or mostly of the same kind, with these Indictments against us, for our Religious Meetings to Pray to God? &c. what Book-Case or President in Common Law or Equity can Parallel these, or warrant the last?

Now we can Appeal, 1st, To Almighty God, who knows our Hearts and secret Intentions, that our Religious Assemblies are with no such Injurious Intentions; And to the Consciences of our indifferent Neighbours and Spectators, that our Meetings have never given them occasion to think, that ever we intended any such Injury or Force, either by Motion, Action or Weapon, nor can any such thing be attested against us. And we doubt not but all unprejudiced Jurors, our Neighbours do understand, that our Meetings are upon no such injurious account, but on a Religious account, for our duty towards Almighty God. And therefore how can it be just or reasonable any Jury should be imposed upon, to find us Guilty, either of Routs, Riots, or Unlawful Assemblies, as before described, to bring Guilt, Danger or Damnation upon their own Souls: Who as they are not to be Menaced into a Verdict, so not to be Fined nor Imprisoned for finding according to their Consciences, though it may seem not consistent with the Evidence or Direction of the Court, according to the Lord Vaughan's Reports in Bushel's Case, in the 23 Year of K. Charles 2. fol. 143, & 153. "For (saith he) the Jury may know the Witnesses to be Stigmatized and infamous, which may be unknown to the Parties, and consequently to the Court. And further saith fol. 143. (in the same case) "If the Judge from the Evidence shall by his own Judgment, first resolve upon any trial what the Fact is, and so knowing the Fact, shall then resolve what the Law is, and order the Jury Penalty to find accordingly; What either necessary or convenient use can be fancied of Jurys, or to continue Tryals by them as all? Thus far the Learned Judge Vaughan argues the case in behalf of the Jury, having not found Penn and Mead guilty of a Trespass, Unlawful Assembly, Rout and Tumult, &c. whereof they stood Indicted, notwithstanding they were taken and indicted on occasion of such a Religious Meeting, as these for which we now suffer, yet the Jury in Conscience could not find them Guilty of a Rout or Riot, &c. Who being therefore Fined Forty Marks a Man, and Committed to Prison, the said Judge Vaughan vindicated the Jury, and opposed such proceeding against them; to which the rest of the Judges at Westminster, who were present at the Argument, agreed.

Besides, that is a Remarkable Passage of K. Charles 1st. in his ΕΙΣΩΝ ΒΑΣΙΛΙΚΗ where he saith in his Prayer (viz) 'Make them as length seriously to Consider, that nothing Violent or Injurious can be Religious. which may be considered and applied several wayes. 1st. our Assemblies being generally believed and known to be religious and peaceable on our parts, are therefore no Routs, Riots, or unlawful Assemblies, wherein either violence or injury is intended or acted. 2ly. If nothing Violent or injurious can be Religious. Then with what conscience can any Judge our Religious quiet Meetings, Routs or Riots. 3ly. How can the violence and injury then done to us, both against our said Meetings, against our Persons by close Confinement, and against our Estates by Spoil, be Religious or Christian? Nay are not such Severities rather a Reproach to Christianity.

Lastly whereas some of us, besides our Fines and imprisonment, are sentenced to find Sureties for the good behaviour, or else to be continued in Prison. We intreat you to consider, in what cases Surety for the good behaviour, is to be granted, according to Common Law and Justice.

Pray Observe. 'It is chiefly to be granted against Common Barretours, common Quarrellers, Rioters, such as ly in wait to Rob, or shall be suspected for that cause, or shall assault or attempt to robb, or are generally feared or suspected to be robbers by the high-way and against such as are like to commit Murder, homicide and other grievances &c. and against such as shall practise to Poison another, and against such as be of evil name and fame, as for resorting to houses suspected to maintain Adultery or incontinency, and against the maintainers of houses commonly suspected for Bawdery, and against common whoremongers and common whores, and against night-walkers, suspected to be pilferers &c. And against Eyes-droppers, and such Night-walkers that cast mens Gates and Carts into Ponds &c. suspected persons who live idly, common haunters of Alehouses and Taverns, common Drunkards &c. such as go in the Masque of Thieves &c. As you may see at large in M. Daltons Justice of Peace, under the Title, surety for the good behaviour, grounded on other Authorities.

Now pray Consider these things between God and your own Consciences, seeing neither We nor our Assemblies are under any of these criminal circumstances, what parity can there be between these crimes, misbehaviours or enormities, and our Peaceable Meeting in Spirit and Truth, to pray worship and praise Almighty God that made us, according to our tender Consciences: which both the Holy Scriptures, & consequently the Liturgy of the Church of England require and Warrant without exception of Persons or places? And what Book-case or president in Common Law and Justice can be produced either to prove such Meetings Routs, or to Fine, Imprison, or require Sureties for the good Behaviour, for praying to God, or peaceably Worshipping him in our Religious Assemblies, according to our Faith and Perswasions, without any intention or overt-Act of Violence or Injury either to the Government, or to any person or property of another whatsoever. The Righteous Judge of all knows our Innocency in these matters.

The premises Considered, We do in Christian humility intreat you, not to detain us under close Confinement to the impairing our healths, endangering our Lives, and Ruining our Distressed Families. And we further Request you, not to Sentence any more of us, to find Sureties for the Good behaviour (for our quietly Meeting to Worship God) and to discharge those of us, who are under the same Sentence. God preserve and direct you.

From Newgate, and Woodstreet Compter, }  
this 5th of the 10th Month, 1684. }

Your Suffering Friends and Wellwishers.

**ADVERTISEM E N T.**

His precedent Application was delivered to the Lord Mayor the 5. of the 10. mo. 1684. and also a Letter to the Recorder of the same import, the 6th ditto. To which may be added, that the Indictments against our Assemblies for being Routous, Unlawful, with Force and Arms, &c. we conceiving to be in the same Terms as Indictments are framed against Persons assembled and moving forward in a Routous manner, with Intention to commit some Riot or Unlawful Act with Force, to the injury or hurt of the Neighbours, their Persons or Possessions: Whereas our Assemblies are clear both from any such Injurious Intention, Motion or Action, as well as Armed Force, for we appear with no Weapons nor Force; and therefore do still question, how these can rationally hold parallel in Fact, or be equally punisht in point of Justice, Common Law or Equity.

And further, our Assembling being with Intention to Worship Almighty God in Spirit & Truth waiting on him & therein to pray to & praise him. This the Holy Scriptures Warrants & Requires, & consequently the Liturgy of the Church of England, by requiring the reading and practice of Holy Scripture; and expressly, Whereas on St. Matthias Day, Act. 1. is cited, where its said, In those days Peter stood up, &c. The number of the Names that were together, were about 120, and they continued with one accord in Prayer and Supplication, v. 14. And also on Good Friday, Epist. Hebr. 10. 24, 25. is cited in the Liturgy, viz. Let's consider one another, to provoke one another unto Love and good Works, not forsaking the Assemblies of our selves together, as the manner of some is, but let's exhort one another, and that so much the more, because you see the day approaching. And John 4. (Liturgy, 2d Lesson to be read at Morning Prayer, in March 17. and July 16. viz. observe,) v. 21. Jesus saith unto her, Woman, believe me, the hour cometh when ye shall neither in this Mountain, nor yet at Jerusalem, Worship the Father. v. 23. But the hour cometh, and now is, when the true Worshipers shall worship the Father in Spirit and in Truth; for the Father seeketh such to worship him. v. 24. God is a Spirit, and they that worship him, must worship in Spirit and in Truth. 1 Cor. 14. appointed for the 2d Lesson at Evening Prayer in May 31. and Sept. 29. in which are these Instances. V. 14. But if all Prophecy, and there come in one that believeth not, or one Unlearned, he is Convinced of all, he is Judged of all. v. 25. And thus are the Secrets of his Heart made manifest, and so falling down on his Face, he will Worship God, and report that God is in you of a Truth. v. 26. How is it then Brethren, when you come together, every one of you hath a Psalm, hath a Doctrine, hath a Tongue, hath a Revelation, hath an Interpretation; let all things be done to Edifying. v. 29. Let the Prophets speak, two or three, and let the other judge. v. 30. If any thing be revealed to another that sits by, let the first hold his peace. v. 31. For ye may all Prophesy one by one, that all may Learn, and all may be Comforted. v. 32. And the Spirits of the Prophets are Subject to the Prophets. v. 33. For God is not the Author of Confusion, but of Peace, as in all the Churches of the Saints; thus far the Liturgy.

And this was good Order in the True Christian Church, &c. with many more Instances that might be produced to justify our Practice, and what we Profess or Pretend, both as to the Matter and Manner of Religious Exercise and Worship.

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